

505 KAR 2:060. Security and control.

RELATES TO: KRS 15A.210-15A.240

STATUTORY AUTHORITY: KRS 15A.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 mandates that the Department of Juvenile Justice issue administrative regulations governing juvenile detention centers and juvenile holding facilities.

Section 1. (1) There shall be a manual containing the facility's policies and procedures for security and control, which shall include detailed instructions for implementing these procedures. The manual shall be made available to all personnel and shall be reviewed annually and updated as necessary.

(2) The facility shall maintain a control center.

(3) There shall be a minimum of two (2) youth care workers on duty at all times in the facility, one (1) of whom is female when females are housed in the facility and one (1) of whom is male when males are housed in the facility. The general staffing ratio shall be one (1) youth care worker to every ten (10) residents or fraction thereof during waking hours. The circumstances of particular facilities shall be taken into consideration as waiver requests are received by the Department of Juvenile Justice.

(a) If a waiver from this standard is desired, the responsible local authority shall submit a written request to the Department of Juvenile Justice. The written request shall include:

1. Identification and description of the specific problems involved in meeting the staffing ratio requirement.

2. A description of the needed ratio change, including identification of supporting factors.

3. A description of the classification to be used, additional staffing alternatives and programming.

4. Sufficient documentation demonstrating that the waiver, if granted, does not jeopardize the security or supervision of juveniles and programs, or the safe, healthful, and efficient operation of the facility.

(b) The Department of Juvenile Justice may grant a waiver of the minimum staffing ratio for an existing facility if it determines:

1. That strict compliance may cause unreasonable difficulties in securing housing for juvenile offenders; and

2. That a waiver does not seriously effect the security or supervision of juveniles and programs, or the safe, healthful and efficient operation of the facility.

(c) A waiver, if granted by the Department of Juvenile Justice, shall apply only to the petitioner for the period of time specified and may include conditions imposed by the department. A waiver shall not be granted for longer than twelve (12) months. A waiver granted for a twelve (12) month period shall be reviewed at the end of the period for reapproval.

(4) The facility shall adopt written policy and procedure which governs the availability, control and use of chemical agents and related security devices. Chemical agents and related security devices shall be used only at the direction of the facility administrator or designee. Oleoresin capsicum spray shall be of an organic nature. The use of mace is prohibited. A written report shall be prepared following all use of force and shall be submitted to the facility administrator. These reports shall be kept in a file labeled as such and maintained for review by the Department of Juvenile Justice.

(5) Written policy and procedure shall require that all security perimeter entrances, exterior doors and all doors the facility administrator determines should be locked are kept locked ex-

cept when used for admission or exit of employees, detained juveniles or visitors, and in emergencies.

(6) The facility shall have a system to physically count juveniles that includes strict accountability for juveniles assigned to work and educational release, furloughs and other approved, temporary absences.

(7) The facility shall adopt and enforce written policies and procedures which:

(a) Require that supervisory staff maintain a permanent log and prepare shift reports that record routine and emergency situations;

(b) Provide for notifying appropriate staff of increases and decreases in the population, on a shift-by-shift basis;

(c) Provide for weekly inspection and maintenance of security devices; corrective action is initiated when necessary;

(d) Require that line supervisory staff inspect every area of the facility daily and submit a written report to an administrative official for review whenever deficiencies are noted;

(e) Require that the facility administrator or designee and other department heads inspect the facility's living and activity areas at least weekly;

(f) Provide that staff regulate juvenile movement;

(g) Govern the control and use of keys;

(h) Govern the control and use of tools, medical and culinary equipment;

(i) Provide that all persons injured in an incident, as defined in subsection (10) of this section, receive an immediate medical examination and treatment;

(j) Provide for a communications system within the facility, and between the facility and the community, in the event of an emergency;

(k) Provide that the facility maintains a written record of routine and emergency distribution and use of restraint equipment;

(l) Provide that instruments of restraint are never applied as punishment and are applied only with the approval of the facility administrator or designee;

(m) Govern safety and security precautions pertaining to facility and staff vehicles;

(n) Govern the transportation of juveniles outside the facility and from one (1) jurisdiction to another; and

(o) Limit the use of physical force to instances of self-protection, protection of the juveniles or others, prevention of property damage, prevention of escapes and in accordance with appropriate statutory authority. In no event shall physical force be justifiable as punishment. A written report shall be prepared following all uses of force and shall be submitted to the facility administrator.

(8) The written plan for searches of the facility and juveniles to control contraband shall be reviewed by legal counsel to ascertain the legality of the plan.

(9) The policy regarding searches for the control of contraband shall be published, made available to staff and juveniles, reviewed at least annually and updated if necessary.

(10) The taking of hostages, use of restraint equipment, use of physical force, and all other special incidents shall be reported in writing, dated, and signed by the staff person reporting the incident. The report shall be placed in the juvenile's case record and reviewed by the facility administrator and the parent agency.

(11) Except in emergency situations, as determined by the facility administrator, firearms shall not be permitted in the facility.

(12) There shall be written operational shift assignments or post orders that state the duties and responsibilities for each assigned position in the facility. These shift assignments shall be reviewed at least annually and updated if necessary.

(13) There shall be written procedures for handling escapes, runaways and unauthorized absences. These procedures shall be reviewed at least annually and updated as necessary.

(14) The facility shall adopt written plans that: specify procedures to be followed in emergency situations, e.g., fire, disturbance, taking of hostages. These plans shall be made available to all applicable personnel and they shall be reviewed and updated at least annually.

(15) The facility shall adopt written plans which govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the juvenile detention facility. These plans shall be reviewed annually and updated if necessary.

(16) The facility shall adopt a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to supervisory personnel, who are required to familiarize themselves with it.

(17) Power generators, where present, shall be tested at least every two (2) weeks and other emergency equipment and systems shall be tested at least monthly for effectiveness and repaired or replaced as necessary.

(18) Written policy and procedure shall provide for the following:

(a) A visual inspection, strip search, or body cavity search shall not be conducted unless there is a reasonable belief that a juvenile is carrying contraband or other prohibited material.

(b) A manual or instrument inspection of a juvenile's body cavities shall not be conducted unless authorized by the facility administrator or designee. This type of inspection shall be done by a:

1. Licensed physician;
2. Registered nurse;
3. Licensed practical nurse; or
4. Physician assistant.

(c) A strip search shall be conducted by a staff member of the same sex, with a documented account submitted to the facility administrator. This type of search shall not be conducted unless a juvenile is entering the facility or the requirements of paragraph (a) of this subsection are met.

(19) Transportation, other than facility provided, shall be available for use in emergencies.

(20) Incidents involving riots, escapes, the death or serious injury of a juvenile or a staff member, the taking of hostages, facility fire or other natural disasters affecting the facility, suicide, and suicide attempts resulting in injury shall be reported in writing to the Department of Juvenile Justice within forty-eight (48) hours, exclusive of weekends or holidays. (26 Ky.R. 1278; Am. 1546; eff. 2-14-2000.)